

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) CRIMINAL NO. 05-1849 JH
)
)
CATHY FITZGERALD,)
)
Defendant.)

**MOTION TO DISMISS COUNT 1
OF INDICTMENT WITHOUT PREJUDICE**

Pursuant to Rule 48, Fed. R. Crim. P., the United States of America respectfully moves the Court to dismiss Count 1 of the Indictment in this case, without prejudice, against Defendant CATHY FITZGERALD, and in support states as follows:

Pursuant to her plea agreement, the United States agreed to dismiss COUNT 1 of the Indictment against Defendant CATHY FITZGERALD only, upon sentencing, and sentencing having taken place:

Wherefore, the United States prays the Court dismiss COUNT 1 of the Indictment without prejudice against Defendant CATHY FITZGERALD.

Respectfully submitted,

LARRY GOMEZ
Acting United States Attorney

Electronically filed

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I HEREBY CERTIFY that I did deliver a copy of the foregoing pleading to opposing counsel of record,
Cliff McIntyre
this 19th day of June, 2007.

/S/

JAMES R.W. BRAUN